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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
LEE, PHILIP C

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *24 May 2002*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-64* is/are pending in the application.

    4a) Of the above claim(s) *37 and 38* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-36 and 39-64* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/6/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-64 are presented for examination.

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-36 and 39-64, Group I, drawn to a method for scheduling transmission

of data by accessing a gateway, classified in class 709, subclass 219.

II.   Claims 37-38, Group II, drawn to a business method for generating revenue based

on the scheduling of transmission, classified in class 705, subclass 8.

3.   Inventions I and II are related as subcombinations disclosed as usable together in a single

combination. The subcombinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention II has separate utility such as calculating a cost

associated with said choice of transmission slot and charging said content provider center for

said calculated cost; this is a patentable distinct feature not found in invention I. See MPEP §

806.05(d).

4.   Because these inventions are distinct for the reasons given above and search for Group II

is not required for Group I, restriction for examination purposes as indicated is proper.

5.   During a telephone conversation with Blaney Harper (registration #33897) on May 26,

2006 an election was made with traverse to prosecute the invention of Group I, claims 1-36 and

39-64. Affirmation of this election must be made by applicants in replying to this Office action.

Claims 37 and 38 are withdrawn from further consideration by the examiner, 37 CRF 1.142(b),

as being drawn to a non-elected invention.

6.   The specification is objected to because pages are missing [i.e. the Detailed Description

does not end on page 45). Appropriate correction is required.

Claim Rejections – 35 USC 112

7.   Claims 1-25 and 44-49 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

     a.   The following terms lack proper antecedent basis:

         i.   said event driven gateway – claim 1;

         ii.   said received instructions – claims 4 and 44;

         iii.   said transmitted data content – claim 18;

         iv.   said information – claim 22

     b.   Claim language in the following claims is not clearly understood:

v.   As per claim 2, line 3, it is uncertain what is "iBOC" [i.e. please expand

on the abbreviation].

vi.   As per claim 8, line 4, it is unclear what is resource "starvation to a

minimum" [i.e. both terms "starvation" and "minimum" are indefinite].

vii.   As per claim 16, line 2, it is uncertain what is "TBL" [i.e. please expand

on the abbreviation].

viii.   As per claim 48, line 4, it has the same problem as in claim 8 above.

Claim Rejections – 35 USC 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 1, 8, 13-16, 20-23, 41, 48, 53-56 and 60-62 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Pyhalammi et al, U.S. Patent Application Publication 2006/0073810

(hereinafter Pyhalammi) in view of Garrity et al, U.S. Patent 6,745,237 (hereinafter Garrity).

10.   As per claim 1, Pyhalammi taught the invention substantially as claimed comprising:

a network inbound queue (36, fig. 3) for the reception of instructions related to said data

content transfer (page 3, paragraph 23);

a scheduler (36, fig. 3) for parsing (it is inherent that the message is parsed) said

instructions for directives comprising:

Push and Pull transmissions (page 2, paragraph 21), and

broadcast times and schedule related to said transmissions (page 3, paragraph 25)

(delivery class information);

a content fetcher for the extraction of said data content based upon said directives (page

3, paragraph 26);

an addressing module for parsing said instructions for extracting addressing instructions

(page 3, paragraph 26), and

an outbound queue (36, fig. 3)for broadcast transmission of said encoded data content

based upon said parsed addressing instructions and said schedule (pages 3-4, paragraph

27).

11.   Pyhalammi did not teach data processor for encoding data. Garrity taught data processor

for encoding said extracted data content (528 and 532, fig. 5; col. 8, lines 20-30).

12.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi and Garrity because Garrity's

teaching of data processor for encoding data would increase the flexibility of Pyhalammi's

system by allowing data to be converted to a particular format that is compatible with other

entities prior to sending the data to the other entities.

13.   As per claim 41, Pyhalammi taught the invention substantially as claimed comprising:

a content provider center (11, fig. 2) linked with one or more content service provider

(13, fig. 2), said content service provider sending instructions for data content transfer to

said content provider center (page 3, paragraph 23);

a Push-Pull gateway comprising:

a network inbound queue in said gateway for reception of said instructions

related to said data content transfer (page 3, paragraph 23);

a scheduler (36, fig. 3) for parsing said instructions for directives

comprising:

Push and Pull transmissions (page 2, paragraph 21), and

broadcast times and schedule related to said transmissions (page 3,

paragraph 25);

a content fetcher for the extraction of said data content, over a network

from one or more content providers, based upon said directives (page 3,

paragraph 26);

an addressing module for parsing said instructions for extracting

addressing instructions (page 3, paragraph 26),

an outbound queue for broadcast transmission of said encoded data

content based upon said parsed addressing instructions and said schedule

(pages 3-4, paragraph 27), and

a broadcast network transmitting said broadcast transmission from said outbound

queue (36, fig. 3) to one or more consumer client devices (page 1, paragraph 7).

14.   Pyhalammi did not teach data processor for encoding data. Garrity taught data processor

for encoding said extracted data content (528 and 532, fig. 5; col. 8, lines 20-30).

15.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi and Garrity because Garrity's

teaching of data processor for encoding data would increase the flexibility of Pyhalammi's

system by allowing data to be converted to a particular format that is compatible with other

entities prior to sending the data to the other entities.

16.   Pyhalammi and Garrity did not teach application service providers (ASP). It would have

been obvious to one having ordinary skill in the art at the time of the invention was made to

include ASP or any type of service providers because by doing so it would increase the field of

use in their systems by allowing any data including applications to be delivered to users.

17.   As per claims 8 and 48, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Pyhalammi further taught a bandwidth module for bandwidth

management, said bandwidth module maintaining queues and prioritizing flows per quality of

service (QoS) traffic attributes while keeping resource starvation to a minimum (page 3,

paragraph 26).

18.   As per claims 13, 14, 53 and 54, Pyhalammi and Garrity taught the invention

substantially as claimed in claim 1 above. Pyhalammi further taught a unique identifier, said

identifier used in targeting said transmitted data content to a specific user agent (page 3,

paragraph 26), and said identifier is an URI or a numeric value (page 3, paragraph 26).

19.   As per claims 15 and 55, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Garrity further taught a data transformer converting said extracted

data content into a specific format and a data encoder encapsulating said extracted data content

in a specific format (530, 532, fig. 5; col. 8, lines 20-30).

20.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi and Garrity for the same reason set

forth in claim 1 above.

21.   As per claims 16 and 56, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 15 above. Pyhalammi and Garrity did not explicitly teach TBL encoder. It

would have been obvious to one having ordinary skill in the art at the time of the invention was

made to include a TBL encoder or any type of encoder because by doing so it would increase the

flexibility of their system by allowing data to be converted to different formats using different type of encoder.

22.   As per claims 20 and 60, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Garrity further taught wherein said gateway is networked for synchronized scheduling with one or more similar gateways and said transmitted data propagates through said network of gateways before reaching one or more client devices (fig. 2; col. 3, lines 62-65).

23.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Pyhalammi and Garrity for the same reason set forth in claim 1 above.

24.   As per claims 21 and 61, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Pyhalammi further taught directives include any of the following: time at which transmission is to commence, time at which transmission is to cease, or rate at which data content to be transmitted needs to be repeated (page 2, paragraph 18).

25.   As per claim 22, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Garrity further taught said information is extracted over a network (col. 8, lines 15-19) (i.e. extracted from file store and send to a customer over a network).

26.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi and Garrity for the same reason set

forth in claim 1 above.

27.   As per claims 23 and 62, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 22 above. Pyhalammi further taught said network is any of the following: local

area network, wide area network, wireless network, or Internet (abstract).

28.   Claims 2-3 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi and Garrity in view of Miller, U.S. Patent Application Publication 2003/0055977

(hereinafter Miller).

29.   As per claims 2 and 42, Pyhalammi and Garrity did not teach profile defining specific

data content formats. Miller taught a device profile database holding profile associated with

consumer devices, and each of said profile defining one or more specific data content formats for

said transmission (page 4, paragraph 36).

30.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity and Miller because Miller's

teaching of device profiles would increase the alertness of their system by providing profiles

information regarding data format and modality that are compatible with the device of the

profile.

31.   Pyhalammi, Garrity and Miller did not specifically teach iBOC enabled devices. It would

have been obvious to one having ordinary skill in the art at the time of the invention was made to

include iBOC or any type of enabled devices because by doing so it would increase the field of

use in their system.

32.   As per claims 3 and 43, Pyhalammi, Garrity and Miller taught the invention substantially

as claimed as in claims 2 and 42 above. Although, Miller taught identifying said one or more

specific data content formats associated with one or more specific clients (page 4, paragraph 36),

however, Miller did not explicitly teach a request for identifying data content formats. It would

have been obvious to one having ordinary skill in the art at the time of the invention was made to

include a request for identifying data content format associated with the clients because by doing

so it would increase the alertness of their system by providing profiles information regarding

data format and modality that are compatible with the device of the profile.

33.   Claims 4-5 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi and Garrity in view of Kolsky, U.S. Patent Application Publication 2002/0142763

(hereinafter Kolsky).

34.   As per claims 4 and 44, Pyhalammi and Garrity taught the invention substantially as

claimed as in claim 1 above. Although Garrity taught assigning a unique ID associated with said

Push transmissions, and storing said push ID/Originator ID in a Push recorder (col. 4, line 59-

col. 5, line 3), however, Garrity did not teach a unique ID associated with a sender of said

received instructions. Kolsky taught an extractor for extracting a unique ID associated with

sender of said received instructions (page 2, paragraphs 23, 24 and 28) (it is inherent that the

embedded ID must be extracted from the message in order to match the embedded ID with a list

of Ids).

35.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity and Kolsky because

Kolsky's teaching of unique ID associated with sender would increase the alertness of

Pyhalammi's and Garrity's systems by allowing the push initiator to be determined according to

the identifier embedded in the message.

36.   As per claims 5 and 45, Pyhalammi, Garrity and Kolsky taught the invention

substantially as claimed as in claim 4 above. Garrity further taught a Push authenticator for

authentication of said sender of said received instructions (col. 4, lines 46-49).

37.   Claims 9 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi and Garrity in view of Kadyk et al, U.S. Patent 7,046,691 (hereinafter Kadyk).

38.   As per claims 9 and 49, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 8 above. Pyhalammi and Garrity did not teach active queues and a passive

queues. Kadyk taught an active queue storing data content currently being transmitted (250, fig.

2; col. 9, line 50-col. 10, line 3) and a passive queue storing pushed and pulled data content (230,

fig. 2; col. 8, lines 38-45).

39.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity and Kadyk because Kadyk

teaching of active queue and passive queue would increase the flexibility of Pyhalammi's and

Garrity's system by allowing the system to read the message from the queue when the system is

ready to process a new message (col. 8, lines 40-45).

40.   Claims 10, 17-18 24-25, 50, 57-58, 63 and 64 and are rejected under 35 U.S.C. 103(a) as

being unpatentable over Pyhalammi and Garrity in view of Official Notice.

41.   As per claims 10 and 50, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Pyhalammi and Garrity did not teach a cache. "Official Notice" is

taken for the concept of a cache for holding data content to be transmitted is known and accepted

in the art. It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to include a cache because by doing so it would increase the efficiency of

their system by allowing frequently requested data to be stored and quickly accessed.

42.   As per claims 17 and 57, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Pyhalammi and Garrity did not teach different protocols. "Official

Notice" is taken for the concept of point-to-point protocol (PPP), hypertext transfer protocol

(HTTP), or wireless access protocol, are well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different protocol such as HTTP because by doing so it would increase the functionality of their system by allowing browsers to requests webpage from web server on the Internet.

43.   As per claims 18, 25, 58 and 64, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Pyhalammi and Garrity did not teach different formats. "Official Notice" is taken for the concept of formats such as binary, plain text, HTML, XML, WML or digital broadcasting format are well known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different formats such as HTML because by doing so it would increase the functionality of their systems by providing a language (e.g. HTML) that is used to format documents that can be interpreted and rendered by an Internet browser.

44.   As per claims 24 and 63, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Pyhalammi and Garrity did not teach a network database supplying locations of remote databases. "Official Notice" is taken for the concept of network database such as Domain Name System (DNS) server for supplying locations of remote databases is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include network database such as Domain Name System (DNS) server because by doing so it would increase the alertness of their systems by providing Internet Protocol address in response to domain name query.

45.   Claims 11 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi and Garrity in view of Marlow, U.S. Patent Application Publication 2003/0046670

(hereinafter Marlow).

46.   As per claims 11 and 51, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Pyhalammi and Garrity did not teach precompiled binary data.

Marlow taught precompiled binary data for transmission (page 3, paragraph 36).

47.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity and Marlow because

Marlow's teaching of precompiled binary data for transmission would increase the user

flexibility of Pyhalammi's and Garrity's systems by data to be transformed to values appropriate

for viewing by the user at a remote location (page 3, paragraph 36).

48.   Claims 12 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Pyhalammi

and Garrity in view of Ellis et al, U.S. Patent Application Publication 2004/0194131 (hereinafter

Ellis).

49.   As per claims 12 and 52, Pyhalammi and Garrity taught the invention substantially as

claimed in claim 1 above. Although Pyhalammi taught parses for pushed information for

broadcasting encoded data content (page 2, paragraph 21; page 3, paragraph 25), however,

Pyhalammi and Garrity did not teach zone information. Ellis taught pushed zone information defining various time zones for broadcasting said encoded data content (page 10, paragraphs 139 and 140).

50.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Pyhalammi, Garrity and Ellis because Ellis teaching of defining zone information would increase the flexibility of Pyhalammi's and Garrity's systems by allowing data content to be presented to a user based on a defined schedule.

51.   Claims 19 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyhalammi and Garrity in view of Thompson et al, U.S. Patent 6,907,247 (hereinafter Thompson).

52.   As per claims 19 and 59, Pyhalammi and Garrity taught the invention substantially as claimed in claim 1 above. Pyhalammi and Garrity did not teach a timer for tracking timeout. Thompson taught a timer for tracking a predefined timeout for which transmission of data content occurs (col. 4, lines 3-19).

53.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Pyhalammi, Garrity and Thompson because Thompson's teaching of a timer for tracking timeout would increase the efficiency of

Pyhalammi's and Garrity's systems by allowing resources to be released by a user when a

timeout period has expired, hence the released resources can be allocated to other users.

54.   Claims 6 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi, Garrity and Kolsky in view of Lin et al, U.S. Patent Application Publication

2002/0146016 (hereinafter Lin).

55.   As per claims 6 and 46, Pyhalammi, Garrity and Kolsky taught the invention

substantially as claimed as in claim 4 above. Although Pyhalammi taught said broadcast

outbound queue transmitting data content to an external broadcasting network (pages 3-4,

paragraph 27), however, Pyhalammi did not teach transmitting data content to said sender of said

received instructions. Lin taught network outbound queue transmitting data content to said

sender of said received instructions (140, fig. 6; page 4, paragraph 53).

56.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity, Kolsky and Lin because

Lin's teaching of queue for transmitting data content to said sender would increase the reliability

of their system by allowing packet to be queue in order to retransmit lost packets (page 4,

paragraph 53).

57.   Claims 7 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi, Garrity, Kolsky Lin in view of Corts et al, U.S. Patent Application Publication

2002/0095228 (hereinafter Corts).

58.   As per claims 7 and 47, Pyhalammi, Garrity, Kolsky and Lin taught the invention

substantially as claimed as in claim 6 above.   Pyhalammi, Garrity, Kolsky and Lin did not teach

broadcast network is an in-band on-channel (IBOC) network. Corts taught an in-band on-

channel (IBOC) network (page 13, paragraph 304).

59.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity, Kolsky, Lin and Corts

because Corts's teaching of IBOC network would enhance their system by allowing radio

broadcasters to transmit digital data over their current analog transmission frequencies (page 1,

paragraph 2).

60.   Claims 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pyhalammi and Garrity in view of McConnell et al, U.S. Patent 6,822,954 (hereinafter

McConnell).

61.   As per claims 26 and 39, Pyhalammi taught the invention substantially as claimed

comprising:

    receiving a Push request from a content provider center (page 3, paragraph 23);

parsing said Push request for push, pull (page 2, paragraph 21), broadcast times (page 3,

paragraph 25), and addressing directives (page 3, paragraph 26); and

transmitting said encoded data to clients based upon said broadcast times and said

addressing directives (pages 3-4, paragraphs 26-27).

62.   Pyhalammi did not teach encoding data. Garrity taught encoding said fetched data (528,

fig. 5; col. 8, lines 20-30); and authenticating said content provider center as originator of said

Push request (col. 4, lines 46-49).

63.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi and Garrity because Garrity's

teaching of data processor for encoding data would increase the flexibility of Pyhalammi's

system by allowing data to be converted to a particular format that is compatible with other

entities prior to sending the data to the other entities.

64.   Pyhalammi and Garrity did not teach fetching data to be pulled based on said push and

pull request. McConnell taught fetching data content to be pulled over a network based upon

said Push and Pull directives (col. 2, lines 27-30).

65.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Pyhalammi, Garrity and McConnell because

McConnell's teaching of fetching data to be pulled based upon said Push and Pull directives

would increase the functionality of Pyhalammi's and Garrity's systems by allowing a range of

services to be provided in a versatile manner, and which is scaleable and modular (col. 1, lines

25-29).

66.   As per claims 27-36 and 40, they fail to define the above and beyond claims (already

rejected claims 2, 3, 10 12-15, 18, 23 and 25)

CONCLUSION

67.   The prior art made of record and not relied upon is considered pertinent to applicant's
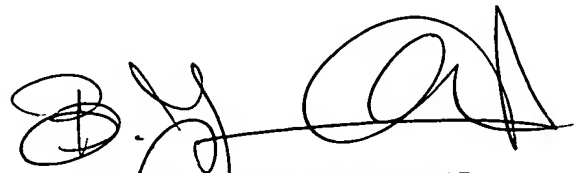
disclosure.

Stevenson et al, U.S. Patent Application Publication 2003/0014483, disclosed a system

for content distribution using push or pull retrievals.

68.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action. Any inquiry concerning this communication or

earlier communications from the examiner should be directed to Philip C Lee whose telephone

number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM

Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-

3913. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300. Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions

on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

P.L.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER